

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 30<sup>th</sup> June 2010**

**Page**

---

<b>APPLICATION REF. NO:</b>	<b>10/00238/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>30/06/10</b>
<b>WARD/PARISH:</b>	<b>Hummersknott</b>
<b>LOCATION:</b>	<b>Allotment Gardens Nunnery Lane Darlington.</b>
<b>DESCRIPTION:</b>	<b>Composting Toilet Facility ( Retrospective).</b>
<b>APPLICANT:</b>	<b>Dennis Horley.</b>

---

**APPLICATION AND SITE DESCRIPTION**

The application site comprises a large area of well used allotments off Nunnery Lane on the western side of Darlington. They are overlooked on all sides by residential properties and are fenced off from these properties by a variety of boundary treatments.

The proposed structure is a composting toilet building – about the size of a small garden shed – which is self contained and uses sunlight to convert human waste into compostable material. Ventilation is provided by external wind funnels. It for the use of allotment holders only and not members of the general public.

**PLANNING HISTORY**

None for this site.

**PLANNING POLICY BACKGROUND**

This particular proposal is covered by Policy E3 of the Local Plan which relates to development on Open Land within the Borough.

**RESULTS OF CONSULTATION AND PUBLICITY**

Comments have been received from two local residents ( 9 and 11 Hillclose Avenue ) objecting to the proposal on the following grounds :

- View of toilet from internal living rooms not pleasant
- Toilet could easily be relocated due to portability
- Should not have been erected without planning permission.

Comments on property values, rate revaluation etc are not material planning matters.

Environmental Health Officer – No objections to the proposal.

## **PLANNING ISSUES**

The main planning issue relating to this proposal is the visual impact that the structure will have on local residents who live adjacent the allotment site. Issues relating to smells and other health matters have been assessed by the Environmental Health Officer who has no objections to the development.

An assessment of the visual impact of the development is facilitated by the fact that the structure is already in place and perusal of the site photographs will give an appreciation of its appearance.

The nearest garden boundary is approximately 50 metres away and the nearest dwelling some 60 metres away.

Taking this separation distance into account and the limited size of the structure ( some 2.5 metres high and 2.0 metres across) it is considered that the development is sufficiently diminutive as to not cause any material harm to the amenities of nearby residents. The occasional comings and goings of allotment holders using the facility is considered to be no different from them entering or leaving their garden sheds.

Overall therefore the development is considered to be acceptable in planning terms and does not cause any material harm to the amenities or health of local residents who live adjacent the allotment site.

## **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

## **CONCLUSION**

The proposed building is to be used as a toilet facility by the Nunnery Lane allotment holders. The facility is a self contained composting toilet and does not discharge any waste to the ground and is accepted as an appropriate facility by the Council's Environmental Health Officer.

Whilst it is accepted that nearby residents may have had valid grounds for complaint if the structure had been placed on or near to a domestic garden boundary, this is not the case in this instance as the structure is located towards the centre of the allotment site, some 50 metres from the nearest garden boundary and as such it is considered that there is no impact on residential amenity arising from this development.

## **RECOMMENDATION**

That planning permission be granted .

## **SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION**

The proposed development does not give rise to any visual amenity impacts upon nearby residents and is considered to be acceptable in planning policy terms.

The decision to grant planning permission has been taken having regard to the policies and proposals in the Borough of Darlington Local Plan set out above, and to all relevant material considerations, including Supplementary Planning Guidance.